

therewith for emitting from a first antenna radio frequency signals within the vehicle fueling range, and for receiving customer identification data from the transponder responsive to the emitted radio frequency signals received by the transponder;

determining whether a hand-held transponder containing customer identification data is within a close range of the dispenser, the close range being smaller than the vehicle fueling range, the reader including a second antenna for emitting radio frequency signals within the close range, and for receiving customer identification data from the transponder responsive to the emitted radio frequency signals received by the transponder; and

associating the customer identification data received by the reader from either the vehicle-mounted transponder or the hand-held transponder with a transaction at the dispenser, whereupon the transaction at the dispenser is permitted and charged to the customer according to the customer identification data [.]

if both a vehicle-mounted transponder and a hand-held transponder are determined to be within the respective vehicle fueling range and close range, overriding the use at the dispenser of the vehicle-mounted transponder, whereupon the hand-held customer identification data received by the reader is associated with a transaction at the dispenser, and the transaction is permitted and charged to the customer according to the hand-held transponder customer identification data.

Please cancel claim 58.

REMARKS

Claims 1-12, 17, 24, 25, 27-32, 50, 51, 53-54, and 55-57 are pending, claim 58 having been cancelled.

Applicants note with appreciation the allowance of claims 25, 27-32, 50, 51, and 53-55.

Claim 57 has been amended according to the examiner's suggestions to overcome the objection thereto, and is now in condition for allowance.

Claim 56 now incorporates the limitations of cancelled claim 58, and is believed to define patentably over the prior art.

ing

3

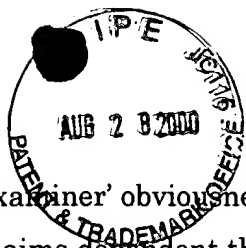
Claim 1 and the claims dependent thereon are rejected under Section 103 as being unpatentable over Randelman and Randelman in view of Van Ness, as discussed in numbered paragraphs 1-3 of the Office action.

Claim 1, as amended, is not obvious over the cited references for at least the following reasons:

Claim 1 contains the following element that is not disclosed in or suggested by the cited references:

for multiple, two sided dispensers spaced from each other in a service area, creating a plurality of stationary, independent electromagnetic fields of predetermined operable ranges adjacent the dispensers such that the field for each side of each dispenser does not overlap with the field for the other side of that dispenser or with the fields of other dispensers;

The examiner concedes that Randelman does not explicitly teach that the field for each side of the dispenser does not overlap with other fields, but refers to Randelman col. 2, lines 49-60 (minimization of interferences) and col. 4, lines 14-18, 51-59 (vehicle lock out) as support for the position that Randelman suggests the above claim element. Neither reference in Randelman is on point. Col. 2, lines 49-60 discuss minimizing interference caused by RF sources like vehicle ignitions, etc., and does not teach or suggest a way to operate the system so that the fields do not overlap. Col. 4, lines 14-18, 51-59 likewise are not relevant, since the discussion there relates to vehicle lock-out whereby once a data bit stream is stored, other controllers in the area are locked out from the operation. This also does not address field overlap.



Accordingly, the examiner's obviousness rejection should be withdrawn, and claim 1 deemed allowable. The claims dependent thereon are also patentable for the same reasons.

Respectfully submitted,

David L. McCombs

Registration No. 32,271

RECEIVED
AUG 30 2000
TECH CENTER 2100

Dated: 8.23.00

HAYNES AND BOONE, L.L.P.

3100 NationsBank Plaza

901 Main Street

Dallas, Texas 75202-3789

Telephone: 214/651-5533

Facsimile: 214/651-5940

File: 5528.323

d-813667.1

CERTIFICATE OF MAILING BY EXPRESS MAIL	
"EXPRESS MAIL" LABEL NUMBER:	8-23-00
DATE OF DEPOSIT:	8-23-00
This paper and fee are being deposited with the United States Postal Service Express Mail Post Office to Addressee service under 37 CFR §1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.	
TYPE OR PRINT NAME	Gayle Corner
SIGNATURE	Gayle Corner